

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

NEW JERSEY CARPENTERS FUNDS, et. al.,

Plaintiffs,

vs.

CBC CARPET, INC., OMEGA

Defendants.

Civil Action No. 07-5511 (KSH)

**ORDER REINSTATING MOTION TO VACATE**

**KATHARINE S. HAYDEN, U.S.D.J.**

Petitioners New Jersey Carpenters Funds, New Jersey Regional Council of Carpenters, and Zazzali, Fagella, Nowak, Kleinbaum & Friedman, P.C. (collectively "petitioners") filed a motion to confirm arbitration awards against respondents CBC Carpet, Inc. and Omega on November 15, 2007. (Docket entry # 2.) Respondent Omega made a motion to vacate the arbitration award on December 19, 2007. (Docket entry # 6.) Their filing was necessary to preserve their right to challenge the arbitration award pursuant to 9 U.S.C. § 12 ("Notice of a motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within three months after the award is filed or delivered."). The Court dismissed the motion on December 27, 2007. (Docket entry # 8.) Because Omega raises issues concerning whether it had notice of the arbitration and whether it was subject to arbitration, the Court will reinstate their motion to vacate and allow petitioners an opportunity to respond to Omega's allegations.

Good cause appearing,

It is on this 20<sup>th</sup> day of February, 2008

**ORDERED** that the Court's December 27, 2007 order (docket entry # 8) is hereby **vacated**; and it is further

**ORDERED** that Omega's motion to vacate (docket entry # 6) be **reinstated**; and it is further

**ORDERED** that petitioners shall file any opposition to Omega's motion to vacate no later than **February 25, 2008**. The return date shall be set for **March 3, 2008**.

/s/Katharine S. Hayden  
Katharine S. Hayden  
United States District Judge